

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. SA-13-CR-785-OLG
)	
RAUL GONZALEZ, JR.,)	
)	
Defendant.)	

**UNITED STATES OF AMERICA'S
MOTION FOR FINAL JUDGMENT OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files its Motion for Final Judgment of Forfeiture, pursuant to Title 21 U.S.C. §§ 853(n)(1)-(7) and Fed. R. Crim. P. 32.2(c)(2), and in support thereof says the following:

I.

On October 7, 2014, Defendant RAUL GONZALEZ, JR. entered a plea of guilty pursuant to a written Plea Agreement (Doc. 37) to Count One of the Indictment (Doc. 5), returned against him, for violations of Title 21 U.S.C. §§ 841(a)(1) & (b)(1)(A) and 846. The Indictment (Doc. 5) included a Notice of Demand for Forfeiture pursuant to Title 21 U.S.C. §§ 853(a)(1) and (2), where the United States gave notice of its intent to forfeit certain property from said Defendant, namely:

Real Property located at **5 Bowood Court, San Antonio, Bexar County, Texas 78218**, more particularly described as Lot 5, Block 10, New City Block 17500, Oakwell Farms Unit 9-A, In the City of San Antonio, Bexar County, Texas, According to the Plat Thereof Recorded in Volume 9514, Page 192-194, Deed and Plat Records of Bexar County, Texas,

hereinafter referred to as the Subject Real Property.

The United States supplemented its notice of forfeiture through a Bill of Particulars for Forfeiture of Property (Doc. 31) which added \$120,000.00, more or less, in United States Currency, hereinafter referred to as the Subject Currency, to the government's criminal forfeiture action.

As part of his plea agreement, said Defendant agreed to immediately and voluntarily forfeit all his right, title, and interest in the Subject Real Property and Subject Currency.¹

II.

On December 5, 2014, this Court entered a Preliminary Order of Forfeiture (Doc. 52), and pursuant to said order the notice of forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least thirty (30) consecutive days, beginning on December 30, 2014, and ending on January 28, 2015, according to the provisions of Title 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2. As evidence of such, a Declaration of Publication (Doc. 69) was filed on February 27, 2015. Additionally, notice of this criminal forfeiture action was posted on the Subject Real Property on March 10, 2015 (Doc. 75).

III.

In addition to the internet publication of public notice, the following details the direct service conducted in the instant case:

1. Notice was attempted on Rodrigo Rosendo Gonzalez-Fernandez on April 3, 2015, and on April 24, 2015 (Doc. 71);
2. Notice was served on Melissa Gonzalez on April 24, 2015 (Doc. 71);

¹ The Indictment's notice of forfeiture also included real properties located at 107 Champions Mill and 102 Stone Hill, San Antonio, Bexar County, Texas. The United States advises the Court that it no longer seeks the criminal forfeiture of either of these real properties. The Bill of Particulars listed currency in the amount of \$300,000.00, more or less. However, in the Plea Agreement, the Defendant and the United States agreed to the forfeiture of \$120,000.00.

3. Notice was served on Barbara Lowry, Managing Agent for Champions Ridge Homeowners Association on April 24, 2015 (Doc. 71);
4. Notice was served on Compass Bank on May 6, 2015 (Doc. 72);
5. Notice was served on International Bank of Commerce (Doc 75) on March 12, 2015 (Doc. 75);
6. Notice was served on Raul Gonzalez Trevino, Trustee of the Raul Gonzalez Living Trust, on March 16, 2015 (Doc. 76);
7. Notice was served on the Bexar County Tax Assessor on October 6, 2015 (Doc. 90, p. 1); and
8. Notice was served on the Bexar County Appraisal District on October 6, 2015 (Doc. 90, p. 2).

Raul Gonzalez Trevino (Individually and as Trustee of the Raul Gonzalez Trevino Living Trust) and Alejandra Paola Ibarra Vazquez filed Petitions (Docs. 93 and 94) on December 23, 2015, asserting their interests in the Subject Real Property. On May 9, 2018, the Court, *sua sponte*, entered an Order (Doc. 107) dismissing said Petitions.² The Bexar County Taxing Authorities filed a Petition (Doc. 100) on December 14, 2016, asserting their interest in the Subject Real Property. The United States of America and the Bexar County Taxing Authorities entered into a Stipulation (Doc. 103) regarding the Subject Real Property which was filed on January 11, 2017.

No other known potential petitioners exist; therefore, any and all potential petitioners have been adequately served by posting notice of forfeiture on an official government internet website as stated above. Court records for the United States District Clerk's Office, San Antonio Division,

² Rodrigo Rosendo Gonzalez Fernandez and Melissa Gonzalez also filed Petitions (Docs. 92 and 95) as to the other real properties that are no longer sought for forfeiture. The Court's Order (Doc. 107) also dismissed these petitions.

reveal that no other petitions were filed in this cause by any other third-party interests against the Subject Real Property and Subject Currency pursuant to Title 21 U.S.C. §§ 853(n)(1-7), and the time for filing such petitions has expired.

IV.

On February 5, 2015, Defendant RAUL GONZALEZ, JR. was sentenced to a term of imprisonment for fifty-four (54) months. The United States advises the Court that the Subject Real Property and Subject Currency were included in his Judgment in a Criminal Case entered on February 6, 2016 (Doc. 65). Accordingly, this matter is now ready for final disposition.

V.

Plaintiff, United States of America moves this Honorable Court to find that the United States of America has proven by a preponderance of the evidence the nexus between the Subject Real Property and Subject Currency and the violations Title 21 U.S.C. §§ 841(a)(1) & (b)(1)(A) and 846, by virtue of Defendant RAUL GONZALEZ, JR.'s Plea Agreement (Doc. 37) with factual basis included therein, and that said Defendant has an interest in the Subject Real Property and Subject Currency.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Defendant RAUL GONZALEZ, JR. in the Subject Real Property and Subject Currency be forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Rodrigo Rosendo Gonzalez-Fernandez, Melissa Gonzalez, Champions Ridge Homeowners Association, Compass Bank, Raul Gonzalez Trevino (Individually and as Trustee of the Raul Gonzalez Trevino Living Trust), Alejandra Paola Ibarra Vazquez, and all other potential

petitioners, save and except for the Bexar County Taxing Authorities, in the Subject Real Property and Subject Currency be held in default, and be forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that proper service was effected on all potential third parties.

Plaintiff, United States of America, further moves this Court to order that the United States Department of Homeland Security and United States Marshals Service, and/or their designated agents, shall dispose of the Subject Real Property and Subject Currency in accordance with law.

Plaintiff, United States of America, further moves this Court to order that the United States Department of Homeland Security and United States Marshals Service shall be reimbursed for any and all costs and expenses incurred relating to the seizure, custody, maintenance, and disposal of the Subject Real Property and Subject Currency.

Plaintiff, United States of America, further moves this Court to order that the United States Department of Homeland Security, and/or its designated agent, shall pay any ad valorem taxes that may be due and owing to the Bexar County Taxing Authorities in accordance with the Stipulation (Doc. 103) agreed to and filed with the Court, from the proceeds realized from the sale of Subject Real Property.

Plaintiff, United States of America, further moves this Court to order that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 52) entered on December 5, 2014, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

WHEREFORE, ALL PREMISES CONSIDERED, the United States of America moves this Honorable Court for the entry of a Final Judgment of Forfeiture.

Respectfully submitted,

JOHN F. BASH
United States Attorney

By: /s/
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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2018, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participants. Any non-CM/ECF participants will receive notification via certified mail, return receipt requested.

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/s/

Mary Nelda G. Valadez
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
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Plaintiff,)	
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RAUL GONZALEZ, JR.,)	
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FINAL JUDGMENT OF FORFEITURE

Came on to be considered the United States of America's Motion for Final Judgment of Forfeiture, pursuant to Title 21 U.S.C. §§ 853(n)(1)-(7) and Fed. R. Crim. P. 32.2(c)(2), and this Court being fully and wholly apprised in all its premises, finds that the United States of America has proven by a preponderance of the evidence the nexus between the Subject Real Property and Subject Currency described below and the violations of Title 21 U.S.C. §§ 841(a)(1) & (b)(1)(A) and 846, by virtue of Defendant RAUL GONZALEZ, JR.'s Plea Agreement with factual basis included therein; that said Defendant has an interest in the Subject Real Property and Subject Currency; and that proper service was effected on all potential third parties. As such, said Motion is meritorious and should be, and hereby is **GRANTED**. IT IS THEREFORE

ORDERED that all right, title, and interest of Defendant RAUL GONZALEZ, JR. in certain property, namely:

Real Property located at **5 Bowood Court, San Antonio, Bexar County, Texas 78218**, more particularly described as Lot 5, Block 10, New City Block 17500, Oakwell Farms Unit 9-A, In the City of San Antonio, Bexar County, Texas, According to the Plat Thereof Recorded in Volume 9514, Page 192-194, Deed and Plat Records of Bexar County, Texas, and

\$120,000.00, more or less, in United States Currency,

hereinafter referred to as the Subject Real Property and Subject Currency, be, and hereby is,

forfeited to the United States of America; and IT IS FURTHER

ORDERED that any and all right, title, and interest of Rodrigo Rosendo Gonzalez-Fernandez, Melissa Gonzalez, Champions Ridge Homeowners Association, Compass Bank, Raul Gonzalez Trevino (Individually and as Trustee of the Raul Gonzalez Trevino Living Trust), Alejandra Paola Ibarra Vazquez, and all other potential petitioners, save and except for the Bexar County Taxing Authorities, in the Subject Real Property and Subject Currency be, and hereby is, held in default and FORFEITED to the United States of America; IT IS FURTHER

ORDERED that the United States Department of Homeland Security and United States Marshals Service, and/or their designated agents, shall dispose of the Subject Real Property and Subject Currency in accordance with law; IT IS FURTHER

ORDERED that the United States Department of Homeland Security and United States Marshals Service shall be reimbursed for any and all costs and expenses incurred relating to the seizure, custody, maintenance, and disposal of the Subject Real Property and Subject Currency; IT IS FURTHER

ORDERED that the United States Department of Homeland Security, and/or its designated agent, shall pay any ad valorem taxes that may be due and owing to the Bexar County Taxing Authorities, in accordance with the Stipulation (Doc. 103) agreed to and filed with the Court, from the proceeds realized from the sale of the Subject Real Property; IT IS FURTHER

ORDERED that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 52) entered on December 5, 2014, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

SIGNED this _____ day of _____, 2018.

ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE